



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Cedar City Field Office

176 East DL Sargent Drive  
Cedar City, UT 84720  
Telephone (435) 586-2401  
FAX (435) 865-3058

RECEIVED

JUL 23 2003

DIV. OF OIL, GAS & MINING

IN REPLY REFER TO:

3809

(U-042)

UTU-68596

CERTIFIED MAIL #7002 0860 0007 1304 7751  
RETURN RECEIPT REQUESTED

July 21, 2003

DECISION

Mr. Dennis S. Engh, President  
Utah Clay Technology, Inc.  
3985 S 2000 E  
Salt Lake City, UT 84124

Additional Information Required  
43 CFR 3809.552(a)

On January 15, 2003 we received your request to extend notice ~~UTU-78611~~ <sup>UTU-68596</sup>, covering the White Mtn. Project located on BLM-managed lands located within Sec. 8, T. 29 S., R. 13 W., Beaver County, Utah. Your request to extend did not include a reclamation cost estimate in accordance with 43 CFR 3809.554, but it did specify that your near-term plans under the notice extension would not require any additional disturbances beyond the 2.1 acres currently disturbed within the north and south bulk sampling areas. Based on that information, we have made a reclamation cost estimate for you. We are providing our reclamation cost estimate for your review and comment. If you agree with our calculation, please post a financial guarantee for your entire operation in the amount of \$4,900.00 (43 CFR 3809.552(a)). The financial guarantee must be submitted to the Utah State Office, Minerals Adjudication. Their mailing address is: BLM Utah State Office, Minerals Adjudication, P.O. Box 45155, SLC, UT 84145-0155.

**If you do not agree with our reclamation cost estimate, please provide information demonstrating the error(s). This information must be submitted within 30 days of receipt of this decision.** In the interim of you providing the additional information requested, your notice is conditionally extended. If you have any questions concerning what activity is allowed then please contact Ed Ginouves at 435-865-3040.

If we do not hear from you within 30 days of receipt of this decision, another decision will be issued requiring the posting of a financial guarantee in the amount provided above.

If you do not agree and are adversely affected by this decision, in accordance with 43 CFR 3809.804, you may request that the Utah BLM State Director review this decision. If you request a State Director review, the request must be received in the Utah BLM State Office, P.O. Box 45155, Salt Lake City, Utah 84145-0155, no later than 30 calendar days after you

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receive this decision. A copy of the request must also be sent to this office. The request must be in accordance with the provisions provided in 43 CFR 3809.805. If a State Director review is requested, this decision will remain in effect while the State Director review is pending, unless a stay is granted by the State Director. Standards for obtaining a stay are given below. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If the State Director does not make a decision on your request for review of this decision within 21 days of BLM's receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the Utah BLM State Office to determine when BLM receives the request for State Director Review. You have 30 days from the end of the 21 day period in which to file your notice of appeal with the IBLA (see procedures below).

If you wish to bypass a State Director review, this decision may be appealed directly to the IBLA in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (Cedar City Field Office, 176 East DL Sargent Drive, Cedar City, UT 84720) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

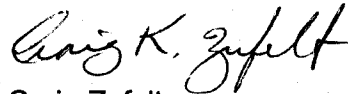
If you wish to file a petition pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

#### Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

Sincerely,



Craig Zufelt  
Acting Associate Field Office Manager

Enclosures: Appeals Form 1842.1  
Reclamation Cost Estimate, UTU-68596

cc: Tom Munson, DOGM (White Mtn. Project, S/001/052)  
Mr. Donald W. Fullmer, P.O. Box 368, Fillmore, UT 84631

**BLM CCFO Bond Estimate**  
**UTU-68586 - UTC White Mtn. Project**

<b>Dozer Work</b>				<b>Earthwork</b>
	Acres		Cost/Acre	
Light	0	Recontouring Cost	\$ 330.00	\$0.00
Moderate	2	Recontouring Cost	\$ 990.00	\$2,079.00
Heavy	0	Recontouring Cost	\$1,485.00	\$0.00
<b>Excavator Work</b>				
Roads with the side Slope,	Linear Feet		Cost/Linear Foot	
<30%	0	Recontouring Cost	\$ 1.50	\$0.00
>30%	0	Recontouring Cost	\$ 2.40	\$0.00
Areas of non-road disturbance where the use of dozer wouldn't be adequate.				
	Acres		Cost /Acre	
<30%	0	Recontouring Cost	\$4,665.00	\$0.00
>30%	0	Recontouring Cost	\$7,465.00	\$0.00
<b>Revegetation</b>				<b>Revegetation</b>
Non-Road disturbances with machine spreader	Acres	0	Revegetation Cost \$ 600.00	\$0.00
Non-Road disturbances with manual spreading	2	Revegetation Cost	\$150.00	\$300.00
Road disturbances with machine spreader	Linear Feet	0	Revegetation Cost \$ 0.20	\$0.00
Road disturbances with manual spreader		0	Revegetation Cost \$0.05	\$0.00
<b>Mobilization</b>				<b>Mobilization</b>
	No. Pieces of equipment		Cost/Piece	
	1	Mobilization Cost	\$ 750.00	\$750.00
<b>Total Labor Cost</b>	<b>\$797.75</b>	<b>Total Reclamation Cost</b>		<b>\$3,129.00</b>
<b>Administrative Fees</b>				
	Contractors Profit	10% Rec. Cost		\$312.90
	Contract Administratio	16% Rec. Cost		\$500.64
	Contingency	10% Rec. Cost		\$312.90
	Indirect Cost Rate	17.8% Rec. Cost		\$556.96
	Engineering/Design	2% Rec. Cost		\$62.58
	*Insurance	1.5% Labor Cost		\$0.00
	*Bond Maintenance	3% Rec. Cost		\$0.00
* Only Administered if Estimated Contract Costs over \$100,000.				
<b>Total Administration Cost</b>				<b>\$1,745.98</b>
<b>Bond Amount</b>				<b>\$4,874.98</b>